

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

PERSONALIZED MEDIA  
COMMUNICATIONS, L.L.C.

v.

ECHOSTAR CORP., et al.

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Case No. 2:08-CV-70-RSP

**ORDER**

Before the Court are PMC's Motion for Summary Judgment on its Claim for Declaratory Judgment and on Certain Counterclaims (Dkt. No. 396), and the Report and Recommendation of the Magistrate Judge (Dkt. No. 419) recommending that the motion be granted. Having considered the objections filed by Defendants Echostar Corp. and Dish Network Corp. (Dkt. Nos. 421 and 425) and by Defendants Rovi Guides, Inc. and TVG, Inc. (Dkt. Nos. 420 and 426), and having conducted a *de novo* determination of those portions of the Report and Recommendation as to which objection was made, and finding no error therein, the Court does hereby adopt the findings and recommendations of the Magistrate Judge. Accordingly,

IT IS ORDERED that Plaintiff's Motion for Summary Judgment on its Claim for Declaratory Judgment and on Certain Counterclaims (Dkt. No. 396) is GRANTED, the declaratory judgment requested in Count VI of PMC's Second Amended Complaint (Dkt. 374) is GRANTED, Counterclaim Counts Four and Five of the Echostar Defendants' Answer to PMC's Second Amended Complaint (Dkt. 382) are DISMISSED WITH PREJUDICE, and all remaining claims by or against Rovi/TVG (Dkt. 384) are DISMISSED WITH PREJUDICE.

**So ORDERED and SIGNED this 12th day of August, 2014.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE